

CHAPTER 10.04

Model Traffic Code

10.04.010 Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, and Section 43-2-135(1)(g) of the Colorado Revised Statutes; and Section 7.11 of the City of Evans Home Rule Charter, there is hereby adopted by reference the 2010 Edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Ave., EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Chapter and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk and may be inspected during regular business hours. (Ord. 524-11; 466-09; 224-03; 1080-97; 702 88; 515 81; prior code 10.04.010)

10.04.020 Deletions.

The 2010 Edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to the City and are, therefore, expressly deleted: Section 511; Section 1210; Section 109.5; Section 109.6. (Ord. 524-11; 466-09; 224-03; 1080-97)

10.04.030 Additions or modifications.

The said adopted Code is subject to the following additions or modifications:

A. Section 109 is hereby amended to read as follows:

"Section 109. Low-power electric vehicle or EPAMD, animals, skis, skates, and toy vehicles on highways.

"(1) A person riding a low-power electric vehicle or EPAMD upon a roadway where low-power electric vehicle or EPAMD travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code except those provisions of this Code that, by their very nature, can have no application.

"(2) A person riding a low-power vehicle shall not ride other than upon or astride a permanent and regular seat attached thereto.

"(3) No low-power electric vehicle or EPAMD shall be used to carry more persons at one time than the number for which it is designed and equipped.

"(4) No person riding upon any low-power electric vehicle or EPAMD, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

"(5) A person operating a low-power electric vehicle or EPAMD upon a roadway shall ride as close to the side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

"(6) Persons riding low-power electric vehicle or EPAMD upon a roadway shall not ride more than two abreast.

"(6.5) A person under the age of eighteen years may not operate or carry a passenger who is under eighteen years of age on a low-power electric vehicle unless the person and the passenger are wearing protective helmets in accordance with the provisions of Section 1502(4.5) of this Code.

"(7) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.

"(8) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Subsection (8) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

"(9) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except those provisions of this Code which by their very nature can have no application.

"(10) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the Department of Transportation may, subject to the provisions of Section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, animal rider, animal-drawn conveyance, or other class or kind of non-motorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the Department of Transportation or local authority shall erect appropriate official signs giving notice thereof; except that, with respect to controlled access highways, Section 1010(3) shall apply. When such official signs are erected, no person shall violate any of the instructions contained thereon.

"(11) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this Section.

"(12)(a) Except as otherwise provided in paragraph (b) of this Subsection (12), any person who violates a provisions of this Section commits a Class B traffic infraction.

(b) Any person who violates subsection (6.5) of this Section commits a traffic offense."

B. A new Section 109.5 shall be added to read as follows:

"Section 109.5. Low-powered electric vehicles and EPAMDs.

"(1) Adoption. These regulations are enacted pursuant to the authority under Section 42-4-111, C.R.S., and the Home Rule Charter of the City of Evans. Only low-powered "electric" vehicles, excluding golf cars, shall be permitted on public streets in the City of Evans.

"(2) Definitions. As used in this Section, unless the context otherwise requires:

"(a) 'Electrical assisted bicycle' means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred and fifty watts of power, and a top motor-powered speed of twenty miles per hour.

"(b) 'Electric personal assistive mobility device' or 'EPAMD' means a self-balancing, non-tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

"(c) 'Low-powered electric vehicles' means vehicles that meet the equipment standard set forth in this Section 109.5 (except EPAMDs), that have a wattage of not exceeding 4,476, and do not exceed the speed of twenty-five miles per hour.

"(d) 'Neighborhood electric vehicles' means self-propelled vehicles that are designed for and which are generally and commonly used to transport persons and property that meets the equipment standard set forth herein.

"(3) License for drivers required. No person shall operate any neighborhood electric vehicle or EPAMD upon any roadway unless such person has been issued a currently valid driver's license or minor's driver's license.

"(4) Required equipment.

"(a) All neighborhood electric vehicles shall be equipped with:

"(I) A rear view mirror or mirrors;

"(II) A parking brake;

"(III) Two rear reflectors as either part of the tail lamps or separate equipment;

"(IV) Displays "slow moving vehicle" emblem.

"(b) The number of persons in neighborhood electric vehicles and EPAMDs may be one or more, but if more than one, the number of persons shall not exceed the number of seats in the vehicle.

"(5) Unlawful acts. It is unlawful for any person to operate a neighborhood electric vehicle or EPAMD on the roadway of any street within the City where:

"(a) The operator does not have in his possession a valid, current and unrevoked (and not suspended) driver's license;

"(b) The neighborhood electric vehicle or EPAMD is operated at night between sunset and sunrise;

"(c) The neighborhood electric vehicle or EPAMD is being operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred (500) feet;

"(d) The neighborhood electric vehicle or EPAMD is not equipped with the required equipment described under Section 109.5(4);

"(e) The operator fails to observe all traffic laws and regulations, except when those provisions cannot reasonably be applied to a neighborhood electric vehicle or EPAMD;

"(f) All alcohol related violations will be prosecuted pursuant to the Colorado Revised Statutes.

"(6) Roadway travel requirements. Any person operating a low-powered vehicle or EPAMD upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

"(a) If the right-hand lane available for traffic is wide enough to be safely shared with overtaking vehicles, the operator of a low-powered vehicle or EPAMD shall ride far enough to the right as judged safe by the operator to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

"(b) The operator of a low-powered vehicle or EPAMD may use a lane other than the right-hand lane when:

"(I) Preparing for a left turn at an intersection or into a private roadway or driveway;

"(II) Overtaking a slower vehicle; or

"(III) Taking reasonably necessary precautions to avoid road hazards or road conditions.

"(c) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, the operator of a low-powered vehicle or EPAMD may ride on the left-hand portion of the dedicated right-turn lane if the operator does not intend to turn right.

"(7) Roadway travel restrictions. Low-powered vehicles and EPAMDs shall not be permitted to travel on Highway 85 or Highway 34, nor shall they be permitted to travel on the arterial collector or local streets which have a posted speed limit above 35 miles per hour although such vehicles may simply cross those roadways.

"(8) Exceptions. Wheelchairs operated by a person with a physical disability shall be exempt from these regulations."

C. Section 113 is hereby added to read as follows:

"Section 113. Authority of officer at scene of accident. A police officer at the scene of a traffic accident may issue a written summons and complaint to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this Code pursuant to state law in connection with the accident."

D. Section 115 is hereby amended to read as follows:

"Section 115. Office of the Director of Public Works.

"(1) The Director of Public Works or designee shall exercise the powers and duties of the City Traffic Engineer provided in this Code.

"(2) In the absence of the Director of Public Works or at such times as this person may be temporarily absent from the City or unable to perform his/her duties, the said duties shall be vested in the City Manager or other municipal official as determined and authorized by the City Manager.

"(3) The Director of Public Works or other official vested with responsibility for traffic control in the City shall cause the installation and maintenance of official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

"(4) The Director of Public Works or other official vested with responsibility for traffic control in the City shall ascertain and determine the locations where official traffic control signals are required by field investigation, traffic counts and other traffic information as may be pertinent and his determination therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices" as adopted by the State Department of Transportation of the State of Colorado and as adopted by the U.S. Department of Transportation Federal Highway Administration as a standard for application on all classes of highways.

"(5) The Director of Public Works or official vested with responsibility for traffic control of the City may test traffic control devices under actual traffic conditions, and conduct research and tests on new traffic control devices not presently included in the "Manual on Uniform Traffic Control Devices." Such devices are not to remain in force beyond a period of one hundred twenty (120) days on an experimental basis, with the exception of devices being tested for durability.

"(6) The Director of Public Works of official vested with responsibility for traffic control of the City shall have the authority and duty to set standards used in the temporary barricading of construction sites and maintenance locations within the public rights-of-way and/or at locations which would constitute a hazard to life or property within the City.

"(7) It shall be the duty of the Director of Public Works or other official charged with responsibility for traffic control in the City to see that all traffic control devices installed and maintained or caused to be installed and maintained (both permanent traffic controls and temporary traffic construction controls) shall be done so in conformance with the "Manual on Uniform Traffic Control Devices" as adopted by the Department of Transportation of the State of Colorado and adopted by the U.S. Department of Transportation Federal Highway Administration as a standard for application on all classes of highways except as pursuant to Section 115(3).

"(8) No person, public utility or department of this City shall erect or place any barrier or sign on any street or public right-of-way of the City for the purpose of construction and maintenance work, unless of a type approved by the Director of Public Works or other official vested with responsibility for traffic control in the City.

"(9) All barricading and traffic control for work or maintenance in public rights-of-way of the City shall be done so in accordance with standards and procedures as issued and authorized by the Director of Public Works or other official of the City responsible for traffic control."

E. Section 604(1)(c)(I)(A) is hereby amended to read as follows:

"(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their respective jurisdictions have prohibited any such right turn by erecting an official sign at each intersection where such right turn is prohibited."

F. Section 606(6) is hereby added to read as follows:

"(6) No person shall place or maintain nor shall any public authority permit upon any street or highway or within any public right-of-way any unauthorized sign or signal bearing thereon any commercial advertising, nor shall any person, unless authorized by the Director of Public Works or other official responsible for traffic control in the City, paint, or deface any curb, sidewalk, street or highway within the jurisdiction of this City; provided, however, that this Section shall not apply to painting of address numbers on a curb surface."

G. Section 607(3) is hereby added to read as follows:

"Section 607(3). Crossing street construction or improvement site.

"(3) No person shall ride or drive any animal or any vehicle over or across any newly made pavement, or freshly laid seal coating or freshly painted markings on an street when a barrier sign, cone marker, or other warning device is in place warning persons not to drive over or across such pavement, seal coatings, or markings, or when any portion thereof is closed."

H. Section 714 is hereby added to read as follows:

"Section 714. Restricted use of streets and alleys.

"(1) For the purpose of road construction and maintenance, any street or portion thereof may be temporarily closed to through traffic or to all vehicular traffic during the work project by action of the City or by first obtaining a written approval of the Director of Public Works.

"(2) The provisions of Subsection (1) shall not be construed to prohibit the drivers of any vehicles from traveling over such restricted or prohibited streets, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, provided such vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter.

"(3) No person shall operate a motorized vehicle in an alley for use as a thoroughfare within any residential area, except those persons who reside therein and except official emergency vehicles and authorized vehicles.

"(4) No person shall park or stand a vehicle with a rated chassis capacity in excess of one tone, or a tractor, road tractor, semi-tractor trailer, trailer or bus in any residential district on any public right-of-way, except during the process of loading or unloading such vehicles."

I. Section 1101(2)(i) is hereby added to read as follows:

"Section 1101(2)(i). Twenty miles per hour in any school zone, where official signs are erected giving notice thereof, during hours of official school days, either when children are present or when such signs include flashing amber lights."

J. Section 1203 is hereby added to read as follows:

"Section 1203. Illegal parking.

"(1) It is unlawful for any person to park or place any vehicle, or other modes of conveyance, whether occupied or not, on any private property, including private driveways in the City, without the consent of the owner or the person in possession of such property.

"(2) It is unlawful for any person to leave any vehicle which he or she owns or controls unattended on any portion of a street or highway right-of-way in the City for a period of seven (7) days or longer without moving or using such vehicle. Vehicles not registered to a nearby address shall be considered abandoned and may be ticketed and/or towed at the expense of the owner if such vehicles are not moved every 24 hours.

"(3) It is unlawful for any person to park or place any vehicle or other personal property in the roadway or public right-of-way of a street, alley, or intersection within the City limits that is offered for sale or barter.

"(4) Parking of any vehicle or trailer in the front yard of a residentially zoned lot shall be prohibited unless such vehicle or trailer is parked on an improved area having a surface of paved asphalt or paved concrete or similar hard surface such as brick pavers. The foregoing notwithstanding, a vehicle or trailer may be parked on the area between a paved driveway and

the nearest side property line provided that said area is covered entirely with gravel, rock, or similar material, at least one inch thick, contained and kept entire free of weeds. It shall be the responsibility of the property owner to ensure that no mud, dirt, gravel, rock, or other material is displaced upon any adjacent sidewalk, street, or property.

"(5) It is unlawful for any person to leave in the public right-of-way any detached trailer, pickup camper, or boat. Such trailers may be towed by, or at the direction of, the City and such campers and boats may be removed and impounded at the expense of the owner. For purposes of this Section, "trailer" means any wheeled vehicle without motive power and designed to be drawn by a motor vehicle. A "pickup camper" means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

"(6) It is unlawful for any person to park any oversized private vehicle on public right-of-way in the area of the City zoned residential, except for temporary parking of vehicles used for loading or unloading of personal goods or property for a period not to exceed 24 hours. "Oversized private vehicle" shall mean any vehicle registered, licensed, or used for private purposes, including, but not limited to, buses, trucks, truck tractors, mobile homes, and recreation that exceeds 20 feet in length (20 feet combined length for vehicles with trailers), or eight feet or more in width or eight feet or more in height or 8,000 pounds or more in weight. Measurements made in the enforcement of this Section shall be made as follows: The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle including loads or any projections attached thereto with the exception of radio antennae, exhaust pipes, and vents. The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.

"(7) It is unlawful for any person to park any oversized commercial vehicle in any area in the City zoned residential, whether on public right-of-way or private residential property, with the exceptions listed below. "Oversized commercial vehicles" means any vehicle or trailer that is registered, licensed, or used for commercial purposes or displaying advertisements and exceeding 20 feet in length (20 feet in combined length for vehicles with trailers), or eight feet or more in width or eight feet or more in height, or 8,000 pounds or more in weight. Measurements made in the enforcement of this section shall be made as follows: The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle including loads or any projections attached thereto with the exception of radio antennae, exhaust pipes, and vents. The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.

"(a) Loading or unloading moving vans or similar type vehicles used for moving personal goods for a period of not to exceed 24 hours;

"(b) Temporary parking for purposes of pick-up or delivery for a period of not to exceed two hours;

"(c) Construction equipment or machinery employed in any authorized construction project for a period not to exceed the completion of such construction or construction project;

"(d) Truck tractors parked on paved driveways or approved paved off-street parking areas on the dwelling premises of the owner or regular driver thereof;

"(e) Any wrecker truck, designed and used to tow disabled vehicles while the wrecker truck is parked in the street in front of the dwelling of the owner or regular driver thereof, or on the dwelling premises of the owner or regular driver thereof."

K. Section 1212 is hereby added to read as follows:

"Section 1212. Prohibited uses. No person shall use any motor vehicle, bus, trailer, coach, or mobile home, self-propelled motor home, or recreational equipment for living, sleeping, housekeeping, or preparation of food except within a permitted recreational vehicle (RV) park/campground. This section shall not apply to such vehicles used to temporarily house guests of the property on which the vehicle is located, provided the vehicle is located on private residential property and such use does not exceed seven days within any calendar year. This section shall not apply to vehicles used for the temporary preparation and sale of food with a current County Health Department license and located in areas of the City other than those zoned residential."

L. Section 1410 is hereby added to read as follows:

"Section 1410. Operation of motor vehicles on park trails.

"(1) It is unlawful for any person to operate a motor vehicle or other motorized conveyance on trails or pathways owned or under the control of the City Parks Department, except authorized vehicles designated by the City. Areas in which it shall be prohibited to operate motor vehicles shall be clearly posted."

M. Section 1718 is hereby added to read as follows:

"Section 1718. Parking violations.

"(1) Any vehicle parked or left such that it creates an immediate hazard may be towed without prior notice to the owner by the City at the owner's expense, and the owner of the vehicle shall pay the actual towing and storage fees for the release of the vehicle.

"(2) Any vehicle parked or left in violation of this Chapter, but that does not appear to create an immediate hazard in the opinion of the Police Department may be either (1) towed by the City at the owner's expense and the owner of the vehicle shall pay the actual towing and storage fees for the release of the vehicle after an officer of the City has conspicuously affixed to such vehicle a parking violation notice informing the user or owner that a particular parking or stopping violation has occurred at that time and place and after the violation has not been corrected within 24 hours; or (2) assessed a parking violation fine to be paid by the owner of such vehicle within 15 days of the date of such notice. The notice shall set forth the nature of the violation, the fine for the particular violation, and the procedure for payment or dispute of the charge. The owner receiving said notice shall pay the fine within 15 days of the date of such notice or contact the Clerk of the Municipal Court and sign a written request in order to dispute the charge. Failure to do so shall cause a late penalty to be added to the fine and cause the assessment to be submitted to a collection agency for the collection of the delinquent fees plus the cost of collection."

(Ord. 524-11; 466-09; 431-08; 224-03; 217-03; 007-00; 1080-97; 842-92; 726 89; 725 89; 723 89; 702 88; 515-81; prior code 10.04.020)

10.04.040 Violation – penalty.

It is unlawful for any person to violate any of the provisions adopted in this Chapter. The following penalties, herewith set forth in full, shall apply to this Chapter. Every person convicted of a violation of any of the provisions stated or adopted in this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), with the exception that the following Sections of the Model Traffic Code may be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment:

(1) Section 1105 Speed Contest;

(2) Section 1401 Reckless Driving;

(3) Section 1413 Eluding or Attempting to Elude a Police Officer. (Ord. 524:11; 466-09; 251-04; 224-03; 1080-97; 837-92; 702 88; 515 81)

10.04.050 Application.

This Chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within the corporate limits of the City or areas outside the municipal limit the use of which the City has jurisdiction and authority to regulate. The provisions of Section 1401, 1402, and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and requirements concerning accidents and accident reports shall apply not only to public places and ways but also throughout the City. (Ord. 524-11; 466-09; 224-03; 1080-97; 702 88; 515 81)

10.04.060 Interpretation.

This Chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the state's uniform system for the regulation of vehicles and traffic. Article and section headings of this Chapter and of the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any way affect the scope, meaning, or extent of the provisions of any article or section thereof. (Ord. 524-11; 466-09; 224-03; 1080-97; 702 88; 515 81)